

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES ROBINSON,

Plaintiff,

vs.

ANTHONY MURRY,

Defendant.

Case No. 2:09-cv-00818-PMP-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

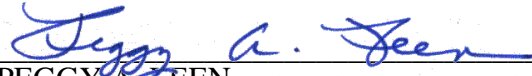
This matter is before the court on Plaintiff's failure to comply with this court's Order (Dkt. #2). Plaintiff submitted a Complaint (Dkt. #1) on May 7, 2009, but he did not pay the \$350.00 filing fee or submit an application to proceed *in forma pauperis*. The court entered an Order (Dkt. #2) on February 11, 2010 requiring Plaintiff to either pay the filing fee or submit an application to proceed *in forma pauperis* and warned Plaintiff that failure to comply would result in a recommendation of dismissal to the District Judge. Plaintiff has not complied.

Accordingly,

IT IS RECOMMENDED that Plaintiff's Application to Proceed *In Forma Pauperis* be DENIED and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which he either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.

IT IS FURTHER RECOMMENDED that the Clerk of the Court enter judgment accordingly.

Dated this 16th day of March, 2010.


 PEGGY A. LEEN
 UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within ten (10) days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.